

Order

Michigan Supreme Court
Lansing, Michigan

April 13, 2007

Clifford W. Taylor,
Chief Justice

128560 & (85)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

H.A. SMITH LUMBER & HARDWARE CO.,
Plaintiff/Counter-
Defendant/Appellee,

v

SC: 128560
COA: 238521
Oakland CC: 1999-015436-CZ

JOHN DECINA,
Defendant/Cross-
Defendant/Appellant,

and

JOHN DECINA DEVELOPMENT CO.,
Third Party Defendant/Cross-
Defendant/Counter-Plaintiff/
Appellant,

and

LINAS P. GOBIS and LYDIA K. GOBIS,
Defendants/Cross-Plaintiffs/
Cross-Defendants/Counter-
Defendants/Appellees,

and

WILLIAM GARDELLA d/b/a WILLIAMS
GLASS CO.,
Defendant/Counter-Plaintiff/
Cross/Plaintiff/ Third Party
Plaintiff/Appellee.

By order of March 8, 2006, the Court remanded this case to the Oakland Circuit Court and directed it to provide a written explanation of the legal basis for its attorney fees awards. On order of the Court, the Oakland Circuit Court having entered its order clarifying judgment regarding the bases for its attorney fees awards, the application is again considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(G)(1). The parties shall submit supplemental briefs within 42 days of the date of this order addressing whether the lien claimants, plaintiff H.A. Smith Lumber & Hardware Company and defendant William Gardella d/b/a Williams Glass Company, were entitled to attorney fees as prevailing parties under MCL 570.1118(2).



s0410

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 13, 2007

Corbin R. Davis

Clerk